

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
v.
Cr. No. 21-20415
Hon. Gershwin A. Drain

JESSIE WALKER, III,

Defendant.

/

MOTION TO WITHDRAW AS COUNSEL

NOW COMES counsel, Casey Swanson and Nancy McGunn of the Federal Community Defender Office, Detroit, Michigan, for Defendant, Jessie Walker, III, and moves this Honorable Court, pursuant to Local Court Rules 57.1(a) and (b), to withdraw as counsel for Mr. Walker. Counsel files a supporting Brief and further states:

1. On June 10, 2021, Mr. Walker appeared before Magistrate Judge Morris on a complaint charging him with Influencing Federal Official by Threat in violation of 18 U.S.C. § 115(a)(1)(B). He was temporarily detained and a detention hearing was scheduled for June 21, 2021.

2. On June 21, 2021, Mr. Walker appeared before Magistrate Judge Stafford. The detention hearing was continued to June 22, 2021, at which time Magistrate Judge Stafford ordered Mr. Walker detained.

3. On June 29, 2021, Mr. Walker was arraigned on an Indictment that charged him with Influencing Federal Official by Threat in violation of 18 U.S.C. § 115(a)(1)(B).

4. On August 2, 2021, counsel filed a Motion for Revocation of Detention Order before this Court.

5. On August 25, 2021, after all briefing on the motion was complete, this Court heard and denied the Motion for Revocation of Detention Order.

6. On August 26, 2021, Mr. Walker informed counsel that he did not feel counsel was adequately representing him and he no longer wished to be represented by current counsel and wished to be represented by another attorney.

7. There are now irreconcilable conflicts between Mr. Walker and his Counsel, such that withdrawal of counsel is warranted.

8. The Federal Community Defender Office can obtain an attorney from the panel to handle this matter.

9. Substitution of counsel is in the best interest of Mr. Walker and serves the ends of justice.

10. To comply with L.Cr.R. § 7.1, counsel spoke to the Assistant U.S. Attorney, Rosemary Wummel Gardey. Ms. Wummel Gardey has no position regarding the instant motion.

11. Counsel is serving Mr. Walker with a copy of this Motion pursuant to L.Cr.R. § 57.1(b).

Respectfully Submitted,

FEDERAL COMMUNITY DEFENDER OFFICE

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Dated: August 26, 2021

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BRIEF IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

TABLE OF AUTHORITIES

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Wilson v. Mintzes, 761 F.2d 275 (6th Cir. 1985)..... 1

Local Rules of the U.S. District Court

Rule 57.1 (a)..... 1

Rule 57.1 (b) 1

I.

On June 10, 2021, Mr. Walker appeared before Magistrate Judge Morris on a complaint charging him with Influencing Federal Official by Threat in violation of 18 U.S.C. § 115(a)(1)(B). He was temporarily detained and a detention hearing was scheduled for June 21, 2021. On June 21, 2021, Mr. Walker appeared before Magistrate Judge Stafford. The detention hearing was continued to June 22, 2021, at which time Magistrate Judge Stafford ordered Mr. Walker detained. On June 29, 2021, Mr. Walker was arraigned on an Indictment that charged him with Influencing Federal Official by Threat in violation of 18 U.S.C. § 115(a)(1)(B). On August 2, 2021, counsel filed a Motion for Revocation of Detention Order before this Court. On August 25, 2021, after all briefing on the motion was complete, this Court heard and denied the Motion for Revocation of Detention Order.

On August 26, 2021, Mr. Walker informed counsel that he did not feel counsel was adequately representing him and he no longer wished to be represented by current counsel and wished to be represented by another attorney. There are now irreconcilable conflicts between Mr. Walker and his counsel, such that withdrawal of counsel is warranted.

II.

Rules 57.1 (a) and 57.1 (b) of the Local Rules of the United States District Court for the Eastern District of Michigan provide:

- (a) An attorney, whether retained or appointed, who enters a post-indictment appearance shall continue to represent the defendant until the case is dismissed, the defendant is acquitted, or the direct appeal is completed unless the attorney is granted leave to withdraw by the District Court or the Court of Appeals if notice of appeal has been filed.
- (b) An attorney who has appeared in a criminal case may thereafter withdraw only by written motion served upon the defendant personally or at the defendant's last-known address and upon all other parties. The Court may deny a motion to withdraw if the attorney's withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interest of justice.

A breakdown in communication or an irreconcilable conflict in the attorney-client relationship is good cause to warrant substitution of counsel and comports with the tenets of the Sixth Amendment right to effective assistance of counsel. *Wilson v. Mintzes*, 761 F.2d 275 (6th Cir. 1985). In the instant case, Mr. Walker has expressed his dissatisfaction with counsel's handing of his case.

III.

For the foregoing reasons, counsel requests this Honorable Court to schedule a date for a hearing on the present Motion and, further, to allow counsel to withdraw from representation of Mr. Walker.

Respectfully Submitted,

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s/ Casey Swanson
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served upon Jessie Walker this date by mail.

/s/ Casey Swanson
Casey Swanson

Dated: August 26, 2021

